

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

DONALD E. HENRY and LISA NELL	§	
HENRY, as Guardians of B.M., an	§	
Adult Ward,	§	
 Plaintiffs,	§	
 v.	§	Civil Action No. 7:12-cv-00198-O
 NORTH TEXAS STATE HOSPITAL,	§	
et al.,	§	
 Defendants.	§	

ORDER

On December 5, 2013, the Court issued an order granting Plaintiffs' Second Motion for Default Judgment against Defendant Jordan Long and entered a default judgment against Long on the issue of liability under 42 U.S.C. § 1983 and the Fourteenth Amendment of the United States Constitution. *See* ECF 43. On January 24, 2014, the Court referred the issue of damages and attorney's fees to United States Magistrate Judge Robert K. Roach, for an evidentiary hearing, and findings and recommendation to this Court pursuant to 28 U.S.C. § 636(b)(1). *See* ECF No. 44.

Magistrate Judge Roach conducted an evidentiary hearing on March 25, 2014 at which Defendant Jordan Long was present, as well as Plaintiffs Donald E. Henry and Lisa Neill Henry, and their counsel Rickey G. Bunch. After taking testimony concerning damages and attorney's fees, reviewing admitted exhibits, and hearing arguments of counsel, on March 26, 2014, Magistrate Judge Roach issued his Findings of Fact and Recommendation ("Findings and Recommendation").

See ECF No. 51. On April 15, 2014, Constable Jim Riggins effected service of the Findings and Recommendation by leaving a copy with Jordan Long's mother at their usual place of abode in Wilbarger County. *See* ECF No. 56, Proof of Service. The Clerk of Court also served Jordan Long with the Findings and Recommendation by certified mail, return receipt requested. *See* ECF No. 55, Return Receipt. No objections to the Findings and Recommendation have been filed, and the deadline for filing objections has passed.

After an independent review of the pleadings, file, record, admitted evidence, applicable law, prior court orders issued in this case, and Magistrate Judge Roach's comprehensive and detailed Findings and Recommendation, the Court **accepts** the Magistrate Judge's Findings and Recommendation, and hereby awards Plaintiffs \$10,000.00 for past pain and suffering, \$112.21 in out-of-pocket costs, \$8,470.22 for reimbursement of their attorney's fees, \$694.72 as reimbursement for their attorney's reasonably incurred expenses,¹ and exemplary damages in the amount of \$20,000.00.

As no issues remain to be tried in this case, a final judgment will issue separately.

SO ORDERED this 30th day of April, 2014.



Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹The Court has added \$100.00 to the Magistrate Judge's recommended award for Plaintiffs' counsel's reasonably incurred expenses to compensate him for the cost of having Constable Riggins effect service of the Findings and Recommendation on Jordan Long. *See* ECF No. 56, Proof of Service with \$100.00 fee.